

A CHRONOLOGY OF EVENTS LEADING TO
SOUTHEAST IDAHO RADIONUCLIDE STUDY

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CONGRESS AMENDS CLEAN AIR ACT

1977

Congress amended the Clean Air Act (CAA) to address airborne emissions of radioactive materials.

EPA LISTS RADIONUCLIDES AS HAZARDOUS

December, 1979

EPA lists radionuclides as hazardous air pollutants under Section 112 of CAA.

SIERRA CLUB FILED SUIT

June, 1981

Sierra Club filed suit in U.S. District Court for Northern District of California. Suit alleged that EPA had a non-discretionary duty to propose standards 180 days after listing radionuclides as hazardous.

COURT ORDERED EPA TO PUBLISH

September, 1982

The Court ordered EPA to publish proposed regulations establishing emission standards for radionuclides.

STANDARDS PROPOSED

April, 1983

EPA published in Federal Register (April 6, 1983) proposed standards for sources of emissions of radionuclides to air. These source categories were: (1) Department of Energy facilities, (2) Nuclear Regulatory Commission-licensed facilities and non-DOE Federal facilities, (3) elemental phosphorous plants, and (4) underground uranium mines.

The Agency decided not to regulate emissions from these categories: (1) Coal-fired boilers, (2) the phosphate industry (except for elemental phosphorous plants), (3) other extraction industries, (4) uranium fuel cycle facilities, uranium mill tailings and management of high-level radioactive waste, and (5) low energy accelerators.

EPA HEARINGS

April, 1983

EPA held public hearings on the proposed standards. Hearings were held in Washington, D.C. and in Denver, Colorado.

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SIERRA CLUB FILES SUIT

February, 1984

The Sierra Club filed another suit against EPA. The suit alleged that EPA had a non-discretionary duty to issue final emission standards for radionuclides, or to find that they do not constitute a hazardous air pollutant (that is, to delist the pollutants).

COURT ORDERS EPA ACTION

August, 1984

The Court granted the Sierra Club motion and ordered EPA to take final action on radionuclides by October, 1984.

STANDARDS WITHDRAWN

October, 1984

EPA withdrew its four proposed standards for radionuclide emissions under Section 112 of CAA and affirmed its decision not to regulate emissions from the other five categories.

AGENCY IN CONTEMPT OF COURT

December, 1984

The Court required EPA to show cause why they should not be held in contempt of court. After a court hearing on November 21, 1984, the Court on December 11, 1984, found the Administrator and EPA in contempt.

EPA APPEAL

December, 1984

EPA appealed the Court's decision on contempt. The Court has decided not to make a ruling on EPA's appeal until the D.C. Court rules on Sierra Club suit (below).

FINAL STANDARDS

February, 1985

After requested stays were denied, EPA issued final standards for radionuclide emissions to air from: (1) DOE facilities, (2) NRC licensed and non-DOE Federal facilities, and (3) elemental phosphorous plants.

FINAL STANDARDS (cont).

The final standards for elemental phosphorous plants limits the total emissions of polonium-210 from calciners and modulizing kilns to 21 curies per year. The standards would not decrease emissions, but would assure that emissions would not increase over present levels of 21 curies per year based on measurements at Monsanto, (Soda Springs). The other elemental phosphorous plant, in Southeast Idaho (FMC), had measured emissions well below 21.

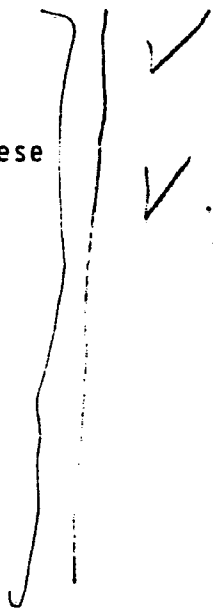
ENVIRONMENTAL CLUBS AND INDUSTRY SUIT

April, 1985

The Sierra Club, other environmental groups and industry brought suit in the D.C. Court. The issues are on the substance of the radionuclide rule; were the levels correct, were the risk assessments right? Briefs have been filed and oral arguments are expected soon. A decision should be made by the D.C. Court in 1986.

IDAHO RADIONUCLIDE EXPOSURE STUDY REQUIRED

The final standards for radionuclide emissions in air (40 CFR Part 61) from elemental phosphorus plants limits total emissions to 21 curies per year. This standard reflects current maximum emission levels from these plants. It was recognized that the areas surrounding the FMC plant in Pocatello and the Monsanto plant in Soda Springs were characterized by high total levels radiation from a variety of sources. The storage and widespread use of slag and possibly other waste products have significantly increased the natural background levels in part of Pocatello and Soda Springs. In particular, phosphate slag from these plants has been used widely as aggregate in road and house construction. For these reasons, the rationale for the final rule (40 CFR Part 61, page 5193) commits EPA and the State of Idaho to initiate a total assessment of the various sources of radiation exposure and to investigate ways to reduce or prevent risks from growing.

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